

United States Court of Appeals
For the Eighth Circuit

No. 14-1736

United States of America

Plaintiff - Appellee

v.

Norberto A. Dangla-Sanchez

Defendant - Appellant

Appeal from United States District Court
for the Western District of Missouri - Kansas City

Submitted: November 4, 2014

Filed: November 7, 2014

[Unpublished]

Before WOLLMAN, BYE, and SMITH, Circuit Judges.

PER CURIAM.

Norberto Dangla-Sanchez directly appeals after he pled guilty to a drug charge, and the district court¹ sentenced him to a prison term below his calculated Guidelines

¹The Honorable Brian C. Wimes, United States District Judge for the Western District of Missouri.

range. His counsel has moved to withdraw, and has filed a brief under Anders v. California, 386 U.S. 738 (1967), acknowledging an appeal waiver in Dangla-Sanchez's plea agreement, questioning the reasonableness of the sentence imposed, and raising a claim of ineffective assistance of counsel.

To begin, we decline to consider counsel's ineffective-assistance claim on direct appeal. See United States v. McAdory, 501 F.3d 868, 872-73 (8th Cir. 2007) (ineffective-assistance claims are ordinarily deferred to 28 U.S.C. § 2255 proceedings). As to counsel's challenge to the reasonableness of the sentence, we enforce the appeal waiver. See United States v. Andis, 333 F.3d 886, 889-92 (8th Cir. 2003) (en banc) (court should enforce appeal waiver and dismiss appeal where it falls within scope of waiver, plea agreement and waiver were entered into knowingly and voluntarily, and no miscarriage of justice would result); see also United States v. Scott, 627 F.3d 702, 704 (8th Cir. 2010) (de novo review of validity and applicability of appeal waiver). Finally, having reviewed the record independently under Penson v. Ohio, 488 U.S. 75 (1988), we find no non-frivolous issues outside the scope of the appeal waiver. Accordingly, we dismiss this appeal based upon the appeal waiver, and we grant counsel leave to withdraw.
